

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12325 of 2004

Between:

P.Krishanma Naidu S/o Punyakoti Naidu
F.P.Shop Delaer,Vinduru Village, Gudur Mandal Nellore District

..... PETITIONER

AND

- 1 The Joint Collector, Nellore
- 2 The Revenue Divisional Officer Gudur,
- 3 The Mandal Revenue Officer, Gudur

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, an order, direction or writ, more particularly one in the nature of writ of Mandamus, declaring the action of the 1st Respondent in not passing any orders either on Stay petition or on Appeal filed by the petitioner before him under Clause 20(1) of AP. state Public Distribution System control order, 2001 against the orders of the 2nd respondent in Rc.C.2549/2004 dt. 5/07/2004, where under the authorization of the petitioner as F.P. Shop Dealer of Vinduru Village Gudur Mandal, Nellore District is kept under Provisional suspension under Clause (4) of AP. Scheduled commodities (RDSCS) order, 2001 as illegal, arbitrary, and against the provisions of the AP. State Public Distribution System Control Order , 2001 and further declare the order of the 2nd respondent dt. 5/07/2004 as illegal, arbitrary and without any authority of law and violative of Article 14 of the Constitution of India and set aside the same

Counsel for the Petitioner: MR.V.SUDHAKAR REDDY

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner, who is a Fair Price Shop Dealer, aggrieved by the order passed by the second respondent, suspending his authorization, pending enquiry.

2. According to the petitioner, the impugned order was passed with a biased mind, though as per the panchanama the stocks are available with the petitioner. It is also the claim of the petitioner that he had supplied kerosene to some of the card holders even though no kerosene coupons were issued.

3. The learned counsel for the petitioner contended that an appeal has already been filed by the petitioner before the first respondent and pending disposal of the appeal, the petitioner has filed a stay petition to suspend the order passed by the second respondent, but the first respondent did not pass any orders so far. Therefore, the petitioner has come up with the present writ petition.

4. Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

5. The basic contention of the petitioner is that the second respondent passed the impugned order without applying his mind, making certain allegations against the petitioner, which are not supported by the panchanama recorded at the time of inspection of the petitioner's shop.

6. This Court, after hearing the learned counsel with reference to the said panchanama, is unable to appreciate the facts, as there are certain deficiencies with reference to the facts, which could better be appreciated by the appellate authority where the petitioner had already filed the appeal, which is pending.

7. Under the above circumstances, the writ petition is disposed of at the admission stage directing the first respondent to pass appropriate orders on the stay petition

expeditiously, preferably within a period of two weeks from the date of receipt of a copy of this order.

16.07.2004

Note: Furnish CC in 2 days

B/o

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To

- 1 The Joint Collector, Nellore
- 2 The Revenue Divisional Officer Gudur,
- 3 The Mandal Revenue Officer, Gudur

- 4 Two CCs to G.P. for Civil Supplies, High Court of A.P. Buildings,
Hyderabad (OUT)

- 5 Two CD Copies